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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,845	12/29/2003	Jeremey Barrett	59864.00876	2762

32294 7590 03/16/2007
SQUIRE, SANDERS & DEMPSEY L.L.P.
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TYSONS CORNER, VA 22182

EXAMINER

BHATIA, AJAY M

ART UNIT	PAPER NUMBER
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2145

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/748,845

Applicant(s)

BARRETT ET AL.

Examiner

Ajay M. Bhatia

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/1/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 2/1/07 have been fully considered but they are not persuasive. Applicant appears to argue encapsulation is not the same as tunneling. Examiner it appears applicant may not fully understand the application of the prior art. The prior art discusses L2TP (Layer 2 Tunneling Protocol) encapsulation using L2TP which is a tunnel protocol. (Spacey, paragraph 16). Therefore the rejection is maintained. Please review RFC 2661, "L2TP" if applicant would like further clarification of L2TP.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Spacey (U.S. Patent Publication 2002/0038371). For clarification of what HTTPS is please refer to additional references cited.

For claim 1, Spacey teaches, a network device for managing a communication over a network, comprising:

- a transceiver configured to send and to receive the communication over the network;
(Spacey, paragraph 16, VPN, L2TP)
- a processor, coupled to the transceiver, that is configured to:

receive a proxy request from a client through a secure tunnel; (Spacey, paragraph 16, VPN, L2TP)

modify the proxy request to include a security attribute, inherent from the secure tunnel; (Spacey, paragraphs 122-123, SSL)

and forward the modified proxy request to a proxy service, wherein the security attribute enables a proxy connection through the secure tunnel. (Spacey, paragraph 123, SSL send)

For claim 2, Spacey teaches, the network device of claim 1, wherein modifying the proxy request further comprises including a security header with the proxy request. (Spacey, paragraph 73, 123, SSL)

For claim 3, Spacey teaches, the network device of claim 1, wherein the security attribute further comprises at least one of an internet protocol (IP) address associated with the client, a security property associated with the secure tunnel, a public key certificate, a security credential associated with the client, access control data configured to enable the client access to a content server, a session identifier, and an identifier associated with the secure tunnel. (Spacey, paragraph 114, 117, key)

For claim 4, Spacey teaches, the network device of claim 1, wherein the proxy request is an hypertext transport protocol (HTTP) proxy request. (Spacey, paragraph 95, HTTP)

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For claim 5, Spacey teaches, the network device of claim 1, wherein the secure tunnel further comprises at least one of a secure sockets layer (SSL) tunnel, a transport layer security (TLS) tunnel, hyper text transport protocol (HTTP) Secure (HTTPS), Tunneling TLS (TTLS), and an extensible authentication protocol (EAP) secure tunnel. (Spacey, paragraph 123, SSL)

For claim 6, Spacey teaches, the network device of claim 1, further comprising receiving an hyper text transport protocol secure (HTTPS) communication to enable the secure tunnel. (Spacey, paragraph 123, SSL)

Claims 7-28 list all the same elements of claims 1-6, addressing the same invention. Therefore, the supporting rationale of the rejection to claims 1-6 applies equally as well to claims 7-28.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Please note that if applicant request an interview applicant is required to contact examiner for the interview. Prior to requesting a time a detailed interview agenda discussing which specific claim limitation that are to be discussed and where in the specification support for the claim limitation can be found is required. This agenda should be faxed directly to examiner, which will be added to the record of the present application. Once examiner received the agenda for the interview the examiner will contact the applicant and schedule an interview. Prior to receiving an agenda an interview will not be scheduled. The examiner fax number is 571-273-3906.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

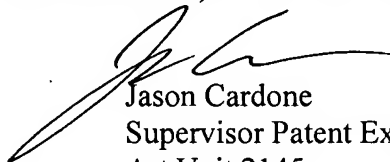
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


AB


Jason Cardone
Supervisor Patent Examiner
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